

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KEITH FAULKNER,)
)
 Plaintiff,)
)
 v.) Civ. No. 05-024-JJF
)
 JIM RUSSELL, and M. DAVIS)
 & SONS,)
)
 Defendants.)

ORDER

WHEREAS, the plaintiff filed a complaint and requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915;

WHEREAS, on February 7, 2005, the Court entered an order denying leave to proceed in forma pauperis based on plaintiff's annual income (D.I. 4);

WHEREAS, the Court ordered the plaintiff to pay the \$150 filing fee within thirty (30) days from the date the order was sent or the case would be dismissed;

WHEREAS, to date, payment has not been received from the plaintiff;

THEREFORE, at Wilmington this 1 day of April,
2005, IT IS HEREBY ORDERED that the plaintiff's complaint is
DISMISSED WITHOUT PREJUDICE.

Joseph J. Fama
United States District Judge